

6 FAH-2 H-370 UNSOLICITED PROPOSALS

6 FAH-2 H-371 GENERAL

(TL: CORH-1; 08-21-1997)
(State Only)

a. An **unsolicited proposal** is a written offer to perform a proposed task or effort, initiated by a prospective contractor (offeror) without a solicitation by the U.S. Government, with the objective of obtaining a contract. An unsolicited proposal is a valuable means by which unique or innovative methods or approaches which have originated outside the U.S. Government can be made available to U.S. Government agencies. It is offered in the hope that the U.S. Government will enter into a contract with the offeror for research or development of the methods, approaches, or ideas it contains or for delivery of the services or items it proposes.

b. The unsolicited proposal often represents a substantial investment of time and effort by the offeror. It should present the proposed work in sufficient detail to enable program officials to determine if the work would enhance or benefit the U.S. Government's research and development or other mission responsibilities.

6 FAH-2 H-372 CRITERIA FOR UNSOLICITED PROPOSALS

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(State Only)

- a. An unsolicited proposal must be:
- (1) Innovative and unique;
 - (2) Independently originated and developed by the offeror;
 - (3) Prepared without U.S. Government supervision;
 - (4) Include sufficient detail to permit a determination that U.S. Government support could be worthwhile and the proposed work could benefit the agency's research and development or other mission responsibilities; and
 - (5) Not be an advance proposal for a known agency requirement that can be acquired by competitive methods.
- b. Advertising material, commercial product offerings, contributions, or technical correspondence, as defined below, do not constitute unsolicited proposals.
- (1) **Advertising material.** Material to acquaint the U.S. Government with a vendor's current off-the-shelf products or potential capabilities and to determine the U.S. Government's interest in buying such products.
 - (2) **Commercial product offering.** Offers of commercial products usually sold in substantial quantities to the general public which the vendor wishes to introduce into the U.S. Government's supply system.

(3) **Contribution.** Concepts, suggestions, or ideas presented to the Government for its use with no indication from the vendor that he or she will devote any further effort on behalf of the Government relative to such contributions.

(4) **Technical correspondence.** Written inquiries regarding U.S. Government interest in technical research areas and descriptions of research being conducted in those areas.

c. Unsolicited proposals should contain the information outlined in FAR 15.505 to permit consideration in an objective and timely manner.

6 FAH-2 H-373 RECEIPT OF UNSOLICITED PROPOSALS

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(State Only)

a. Unsolicited proposals received by any Department of State organizational element must be forwarded immediately to the cognizant Head of the Contracting Activity (HCA) which will acknowledge receipt of each proposal. In the acknowledgment letter, the contracting activity will request any additional information needed to make the proposal complete.

b. The Contracting Officer will conduct a preliminary review of the proposal to determine that it:

- (1) Will deliver goods or services that meet the needs of the requirements office;
- (2) Contains sufficient technical and cost information for evaluation; and
- (3) Does not provide "off-the-shelf" items or standard services.

c. The proposal will then be forwarded to the appropriate requirements office for review.

6 FAH-2 H-374 REVIEW OF UNSOLICITED PROPOSALS

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a. The ranking official in the requirements office must make a written determination as to whether the proposal is truly unsolicited. Consideration should be given to whether the document may have resulted from close professional relationships between program officials and their counterparts in the scientific/business community or the inadvertent disclosure of information relating to contemplated projects.

b. In reviewing an unsolicited proposal, program officials should consider the following:

- (1) Unique, innovative, or meritorious methods, approaches, or ideas contained in the proposal which originated with the offeror;
- (2) Overall scientific, technical, or socio-economic merits of the proposed effort;

(3) Potential contribution which the proposed effort could make to the Department's mission; and

(4) Capabilities, experience, techniques, or facilities which the offeror possesses and which are crucial to achieving the proposal's scientific or technical objectives.

c. 6 FAH-2 H-374 Exhibit H-374 provides a checklist for evaluating unsolicited proposals.

d. The COR must provide the results of the review, in writing, to the Contracting Officer. A favorable comprehensive evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror.

e. If the review results in a finding that the proposal is unacceptable, the Contracting Officer will immediately notify the offeror of the reasons why the proposal is unacceptable and return it.

f. If the requirements office decides to fund the unsolicited proposal, it must prepare a "Justification for Acceptance of Unsolicited Proposal" which documents that the substance of the proposal is not available from another source; that the proposal was selected on the basis of its overall merit, cost, and contribution to program objectives compared with other offers; or that the proposal contains technical data or offers unique capabilities not available from another source.

g. Data taken from the checklist used for evaluating the unsolicited proposal can be used in formulating the justification. A format similar to that used for the Justification for Other Than Full and Open Competition may be used.

6 FAH-2 H-375 THROUGH H-379 UNASSIGNED

6 FAH-2 H-374 Exhibit H-374 UNSOLICITED PROPOSAL EVALUATION CHECKLIST

(TL: CORH-1; 08-21-1997)

Unsolicited Proposal Number _____

Submitted by: _____ Date Accepted: _____

Remarks	Yes	No
(1) Is the proposed effort or idea truly unique or proprietary?		
(2) Are others working in the same area? If so, can the requirement be competitively solicited without compromising the idea?		
(3) Does the offeror have an unfair advantage because of prior contracts?		
(4) Does the proposal appear to have actual or potential usefulness in support of Department goals and objectives?		
(5) Does the proposed work relate to: a. Ongoing or completed projects at DOS? b. Planned projects at DOS?		
(6) Does the offer present a clear and complete Statement of Work? a. Are objectives clearly defined? b. Are products/end results defined? c. Is the management approach logical? d. Are key events/milestones identified? e. Does the planned period of performance appear appropriate to the effort?		
(7) Are the proposed manpower requirements realistic? a. Are personnel categories appropriate? b. Are proposed manhours, by category, reasonable? c. Does the offeror have the existing capability to perform the work?		
(8) Is there any significant amount of sub-contract effort proposed? Would this pose a risk in achieving the objective?		

- (9) Does the offeror propose to obtain equipment for the project? If so:
- a. Evaluate type and quantity of equipment.
 - b. If equipment is to be provided by the U.S. Government, is it available?
 - c. If to be purchased, will it have subsequent usefulness?
- (10) Do the types and quantities of materials appear realistic for the project?
- (11) Does the offeror have an established reputation in the field? If not, does he or she have the technical capability to enter the field?
- (12) Are the proposed labor rates realistic for each category of labor?
- (13) Are material/equipment costs realistic?
- (14) Do the proposed indirect expense rates appear reasonable?
- (15) Evaluate other proposed costs. Does the overall cost appear reasonable?
- (16) Should an audit be made of the cost proposal? If so, request the CO to arrange for the audit.
- (17) Does the offeror have sufficient financial resources for project completion?

Conclusions

- (1) Validity of unsolicited proposal:
 - a. Uniqueness of idea.
 - b. Prior Government involvement.
- (2) Technical approach:
 - a. Sound
 - b. Fair
 - c. Weak
- (3) Proposed cost:
 - a. High
 - b. Reasonable
 - c. Low

Recommendations

- (1) Pursue the project and negotiate with the offeror.
- (2) Pursue the project, with modifications, and negotiate with offeror.
- (3) Pursue the project by competitive means.
- (4) Do not pursue the project.

EVALUATORS

_____ Name	_____ Signature	_____ Date
_____ Name	_____ Signature	_____ Date
_____ Name	_____ Signature	_____ Date

